

MAR 01 2017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM SMITH

Write the full name of each plaintiff.

CV 17-1164
No. (To be filled out by Clerk's Office)

COPY

-against-

PEOPLE FOR THE STATE OF NEW YORK

NYPD QUEENS COUNTY PCT.

COMPLAINT
(Prisoner)

Do you want a jury trial?

Yes No

CHEN, J.

MANN, M.J.

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ FEB 27 2017 ★

BROOKLYN OFFICE

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

WILLIAM SMITH

First Name	Middle Initial	Last Name
<u>SAME AS ABOVE</u>		

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

<u>B/C 3401604691M</u>	Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)
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RNDC RIKERS 11-11 HAZEN STREET EAST ELMHURST, NY11370

Current Place of Detention

<u>SAME AS ABOVE</u>

Institutional Address

<u>SAME AS ABOVE</u>

County, City	State	Zip Code
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III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

Pretrial detainee

Civilly committed detainee

Immigration detainee

Convicted and sentenced prisoner

<input type="checkbox"/> Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:	NYPD 103 PCT	<u>John Doe</u>	Officer
	First Name	Last Name	Shield #

Current Job Title (or other identifying information)
--

160-02 p.o. EDUARD DYNE AVENUE

Current Work Address

QUEENS, NY 11432

County, City	State	Zip Code
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Defendant 2:	QUEENS COUNTY PEOPLE FOR THE STATE OF NEW YORK		
	First Name	Last Name	Shield #

Current Job Title (or other identifying information)
--

125-01 QUEENS COUNTY QUEENS BLVD KEW GARDENS, NY 11415
--

Current Work Address

County, City	State	Zip Code
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Defendant 3:	First Name	Last Name	Shield #
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Current Job Title (or other identifying information)
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Current Work Address

County, City	State	Zip Code
--------------	-------	----------

Defendant 4:	First Name	Last Name	Shield #
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Current Job Title (or other identifying information)
--

Current Work Address

County, City	State	Zip Code
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V. STATEMENT OF CLAIM

Place(s) of occurrence: QUEENS COUNTY COURTHOUSE / QUEENS CO NPCT

Date(s) of occurrence: May 10th 2016

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

SEE ATTACH SHEETS

UNITED STATES DISTRICT COURT
~~EAST~~ SOUTHERN DISTRICT OF NEW YORK

WILLIAM SMITH,

PLAINTIFF

CASE NO. _____

-AGAINST-

STATE OF NEW YORK.,

DEFENDANTS

X

SECTION 1983 CIVIL LAW SUIT

- 42 USC section 1983

PRELIMINARY STATEMENT

THIS IS A ACTION AGAINST THE PEOPLE FOR THE STATE OF NEW YORK FOR FALSE IMPRISONMENT, FALSE ARREST AND MALICIOUS PROSECUTION BY THE STATE OF NEW YORK BRINGING FALSE CHARGES AGAINST PLAINTIFF, WHICH ULTIMATELY RESULTED IN A DISMISSAL OF SAID CHARGES. PLAINTIFF NOW SEEKS COMPENSATION FOR SAID CASE.

JURISDICTION

JURISDICTION IS BEING INVOKED BECAUSE PLAINTIFF AND DEFENDANTS ARE EITHER EMPLOYED AND/OR RESIDE AT RIKERS AND THE COURT LOCATION WHERE CASE WAS TRIED THUS JURISDICTION IS PROPER ALSO PURSUANT TO APPLICABLE STATUTES.

PARTIES

PLAINTIFF WILLIAM SMITH IS A CITIZEN OF THE U.S AND CURRENTLY RESIDES AT RIKERS RNDC BLDG AT: 11-11 HAZEN STREET, EAST ELMHURST, N.Y. 11370. HE SUES THE DEFENDANTS IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY AND REQUEST A TRIAL BY JURY IN THIS ACTION.

DEFENDANT THE PEOPLE FOR THE STATE OF NEW YORK IS AN ENTERTY AND WERE THE PARTY TO PROSECUTE THIS CASE MALICIOUSLY AND THROUGH FALSE ARREST & IMPRISONMENT. THEB LOCATION IS JOHN ODE
Nypd 103rd Pct AND THE ATTNY GEN OFFICE AT
120 Broadway 160-02 P.D. EDWARD Byrne Ave
New York, N.Y. 10271-0332 Queens, New York 11432

FACTS

ON 5-10- 2016 AN INCIDENT OCCURRED WHICH RESULTED IN MY ARREST BY NYPD NEAR THE QUEENS COUNTY LOCATION WHERE PLAINTIFF WAS CHARGED WITH HOME INVASION. THE CHARGES LATER CHARGED HIM WITH ROBBERY 3. THE STATE OF NEW YORK ASKED FOR A HIGH BAIL IN THE AMOUNT OF \$50,000 & THAT IN SURETY OF THE SAME AMOUNT. THIS CASE CONTINUED WHERE PLAINTIFF SUFFERRED "BULL PEN THERAPY" FOR MORE THAN 1 YEARS WHERE IT DISRUPTED MY, PLAINTIFF MENTAL CAPACITY TO FUNCTION NORMALLY AND EACH DAY PLAINTIFF WAS STRESSED OUT TO THE EXTENT THAT HE BECAME DEPRESSED. THE LARGE BAIL PREVENTED HIM FROM THE CHANCE OF GETTING OUT WHEN THE PEOPLE & COURT WAS REQUIRED UNDER THE LAW TO AFFORD PLAINTIFF REASONABLE BAIL UPON

WHICH AN AMOUNT PLAINTIFF COULD AFFORD. PLAINTIFF WAS DENIED THIS AND THESE COURTS CONTINUED TO TRY THIS CASE FOR MORE THAN 1 YEAR, WHERE I CONTINUED TO SUFFER "BULL PEN THERAPY" TO THE EXTENT THAT I LITERATELY FELT MY LIFE WAS OVER AND THAT MY LIFE WAS WORTHLESS AND THAT THE COURT DEMONSTRATED THIS BY MY NON APPEARANCES AND THE COURT JUDGES AND DA WHICH BOTH ARE REPRESENTED BY THE STATE OF NEW YORK WAS EXPARTEE COMMUNICATING A STRATEGY AGAINST ME DURING MY NON APPEARANCES ARRAINED AND ORCHESTRATED BY THESE PEOPLE, ULTIMATELY DENYING ME ACCESS TO COURT AND DENIAL OF DUE PROCESS BY THESE DEFENDANTS. THE CASE IN THE END RESULTED IN A DISMISSAL OF ALL THESE CHARGES THUS MAKING DEFENDANTS LIABLE.(SEE EX "A" CASE DATA ENTRY)

CAUSE OF ACTION

PLAINTIFF CONTEND DEFENDANTS BROUGHT BOGUS CHARGES AGAINST ME WITHOUT PROBABLE CAUSE OR REASONABLE SUSPICION TO EVEN APPREHEND ME FOR THERE WAS NO EVIDENCE FOR ME TO EVEN HAVE BEEN ARRESTED FOR SAID CHARGES NYPD ALLEGE. THE BULL PEN THERAPY AND EXPARTEE COMMUNICATION EXHIBITED BY DEFENDANTS THE DEFENDANT PUT PLAINTIFF THROUGH WAS BOTH DEPRESSION AND STRESSFUL TO THE EXTENT THAT I SORT TO HARM MYSELF AND THAT MY LIFE WAS WORTH NOTHING! THE LONG INCONVIENCED COURT APPEARANCES NOT SEEING A COURT ROOM FOR MORE THAN 2 yrs ALSO STRESSED ME OUT AND ULTIMATELY WAS SOME DUMB SHIT! AND FLUSTERED ME SO MUCH THAT EVEN MY FAMILY FELT STRESSED OUT FROM THESE CHARGES WHICH FRUSTRATED THEM AS A RESULT I LOST RELATIONSHIPS OVER MY INCARCERATION AND THE HIGH BAIL ALSO ADDED TO THE PROBLEM FOR CHARGES I NEVER SHOULD HAVE BEEN CHARGED WITH. THIS WAS DUE TO "OVERZEALOUS" NEW YORK STATE OFFICIALS ABUSING THEIR POWER WHICH WAS DONE IN A DISCRIMINATORY MANNER IN SELECTIVE PROSEQUEUTION BECAUSE I WAS "BALCK" MAKING DEFENDANTS LIABLE!

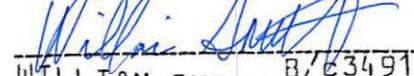
THIS VIOLATED PLAINTIFF'S 1ST, 8TH, AND 14TH AMENDMENT CONSTITUTIONAL RIGHTS UNDER THE US CONSTITUTION.

RELIEF:

PLAINTIFF BASED ON THE FOLLOWING REQUEST COMPENSATION FOR SAID CHARGES FOR THE FOLLOWING:

1. COMPENSATORY, PUNITIVE AND NOMINAL DAMAGES IN THE AMOUNT OF 1 MILLION DOLLARS AND FOR SUCH FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.
2. AND THE REPRIMAND OF THESE NEW YORK STATE OFFICIALS THE PEOPLE & THE PRESIDING JUDGE AND THE STATE OF NEW YORK.

RESPECTFULLY SUBMITTED,


WILLIAM SMITH B#3491604691M
RNBG

~~SEE ATTACH SHEETS~~

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

~~MENTAL ANGUISH AND EMOTIONAL STRESS~~

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

~~SEE ATTACH SHEET ON RELIEF~~

~~1 MILLION DOLLARS~~

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

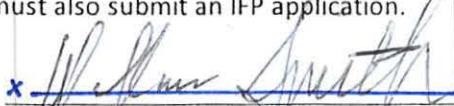
By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

2-28-2017		
Dated	 Plaintiff's Signature	
WILLIAM SMITH		
First Name	Middle Initial	Last Name
RNDC 11-11 HAZEN STREET EAST ELMHURST, NEW YORK 11370		
Prison Address		
SAME AS ABOVE		
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

3/9/17

EXHIBIT "A"

13-FEB-17 15:19

Court Case Data Entry (CC)

BK&CS: 3491604691M	Name: SMITH, WILLIAM	NYSID: 04859339L	
Status: DE	Total Open Cases: 2	Case#: 4	
Docket #: 2016QN021436	Indict. #: 00000 0000	Consl.Indict. #:	
Disposition: DIS	Dismissed	Dte Opened: 10-MAY-16	Closed: 08-FEB-17
Nxt Crt Dte: 08-FEB-17	Hour: 09 Part: AP6	Boro: Q Crt Type: CC Veh Pri: 2	
Charge: 160.05	ROBBERY 3	Severity: FD	
Charge:		Severity:	
Cnvct Dte:	Remand?: N Bond:	50,000 Bail:	50,000 Surety Exam?:N
Sent Date:	Reimb Date:		
YEARS MONTHS DAYS			
Minimum Sentence:			
Maximum Sentence:			
Consecutive Sentence ?: N			
Remarks:			

Branch to:

INM_CASE_MAINT

Case Details - Appearances.

Page 1 of 2

New York State Unified Court System**Web Criminal****Case Details - Appearances****CASE INFORMATION**

Court: Queens Criminal Court
 Case #: 2016QN021436
 Defendant: Smith, William

Date/ Time	Judge/ Part	Calendar Section	Arraignment/ Hearing Type	Court Reporter	Outcome/ Release Status
02/08/2017		PENDING			
	AP6				
01/18/2017	Zaro, S AP6	PENDING	No Type	Felder, Kim	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
12/07/2016	Zoll, J AP6	PENDING	No Type	Gadacht,	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
11/16/2016	Brandt, D C AP6	PENDING	No Type	Nevin,	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
09/14/2016	Morris, G AP6	PENDING	No Type	Collin,	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
08/31/2016	Brandt, D C AP6	PENDING	No Type	Kahane,	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
08/17/2016	Morris, G AP6	PENDING	No Type	Fowler,	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
08/03/2016	Zoll, J AP6	PENDING	No Type	Nevin,	Case Continued (adjourned) Remanded
07/13/2016	Brandt, D C AP6	PENDING	No Type	Zeni,	Case Continued (adjourned) Bond \$50,000 Cash \$50,000 (Not Posted)
06/07/2016	Brandt, D C AP6	PENDING	No Type	James, Nason,	Case Continued (adjourned) - Temporary Order Of Protection Issued Bond \$50,000 Cash \$50,000 (Not Posted)
05/10/2016	Gopee, K APAR3	PENDING	Regular	Apicella,	Case Continued (adjourned) - Temporary Order Of Protection Issued Bond \$50,000 Cash

New York State Unified Court System**Web Criminal****Case Details - Summary****CASE INFORMATION**

Court: **Queens Criminal Court**
 Case #: **2016QN021436**
 Defendant: **Smith, William**

Defendant

Name: **Smith, William**
 Birth Year: **1962**
 NYSID: **4859339L**

Incident and Arrest**Incident**

Date: **April 11, 2016**
 CJTN: **67645603J**

Arrest

Date & Time: **May 10, 2016 08:40**
 Arrest #: **Q16622860**

Officer

Agency: **NYPD**
 Command: **103**

Attorney Information**Defense Attorney**

Name: **Legal Aid Society-queens,**
 Firm: **Legal Aid Society-queens**
 Type: **Legal Aid**
 Court Date: **May 10, 2016**
 Court Part: **APAR3**
 Address: **118-25 Queens Boulevard, Forest Hills, NY 11375**
 Phone: **718 - 286 - 2000**

Assistant District Attorney

Name: **Queens County District Attorney,**
 Assigned: **May 10, 2016**

Next Appearance

Date: **February 8, 2017**
 Court: **Queens Criminal Court**
 Part: **AP6**

Docket Sentence

No Sentence Information on File

New York State Unified Court System**WebCriminal****Case Details - Charges****CASE INFORMATION**

Court: Queens Criminal Court
Case #: 2016QN021436
Defendant: Smith, William

Charge	Detail	Disposition/Sentence
PL 160.05 00 **TOP CHARGE**	D Felony, 1 count, Arrest charge, Arraignment charge Description: Robbery-3rd	